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Keith D. Nowak
Partner

Direct Dial: 212-238-8610
E-mail: nowak@clm.com

Counselors at Law

2 Wall Street
New York, NY 10005-2072

Tel (212) 732-3200
Fax (212) 732-3232

701 8th Street, N.W., Suite 410
Washington, DC 20001-3893
(202) 898-1515

570 Lexington Avenue
New York, NY 10022-6856
(212) 371-2720

June 10, 2008

Client No.: HOP07.019

Total pages (including cover): 10

FAX TRANSMITTAL

NAME/COMPANY	TELEPHONE NUMBER	FACSIMILE NUMBER
Examiner Rafael Bacares PCT Legal Examiner	571-272-3276	571-273-0459

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Under 37 C.F.R. § 1.457(a)
 Executed Declaration for Utility or Design Application Using an Application Data
 Sheet

Under 37 C.F.R. § 1.497(d)

Statement of Reuben Hoppenstein in Support of Petition to Correct Inventorship

response of September 4, 2007 wherein Applicant's demand

- Statement of Reuben Hoppenstein in Support of Petition to Correct Inventorship Under 37 C.F.R. § 1.497(d)
- Executed Declaration for Utility or Design Application Using an Application Data Sheet
- Statement Under 37 C.F.R. § 3.73(b)
- Application Data Sheet

- Processing fee of \$130.00 set forth in 37 C.F.R. § 1.17(i).

On March 6, 2008, the U.S.P.T.O. mailed a decision to the Petition under 37 C.F.R. § 1.497(d) to Applicants previous law firm. However, the U.S.P.T.O.'s immediate-prior correspondence to the Applicant dated September 4, 2007 was to Applicant's new address. Applicant had supplied the new address to the U.S.P.T.O. in a Change of Correspondence form that was received and recorded by the OIPE on September 22, 2006. Applicant was not aware of the March 6, 2007 decision until June 4, 2008. That same day Applicant called and left a message with Examiner Bacares.

In the conference call of June 9, 2008, Examiner acknowledged the error in the mailing and extended Applicants response date to August 9, 2008, two months from the June 9, 2008 conference call. In this conference, Applicant also brought to the Examiner's attention the error noticed in the "Discussion" section regarding submission of an assignment under #3. Applicant informed Examiner that the latest copy of assignment had been submitted with the October 4, 2007 filing and supported the statement with reference to the Patent Assignment Abstract of Title. The abstract shows the only assignment filed in the U.S.P.T.O. was received on March 30, 2006. Applicant has no knowledge about any later filed assignment recorded on April 6, 2006. After reviewing the Patent Assignment Abstract, Examiner agreed and requested a statement be made in Applicant's response. Accordingly, Applicant affirms that a copy of the proper assignment was submitted with the petition on the October 4, 2007 date.

To expedite the pending matter, Examiner approved Applicant's submitting the present Renewed Response via facsimile to Examiner Bacares' facsimile number 571-273-0459.

Accordingly, Applicants request that this Petition be granted and the application begin accelerated examination as was granted by the Office of Petitions on April 26, 2007.

Applicant believes no fees are due at this time as the processing fee set forth in 37 C.F.R. § 1.17(i) was properly submitted with Applicant's October 4, 2007 petition. If, however, fees are due, the Commissioner is authorized to charge Deposit Account No.

50-2499 for any fee that remain due with this correspondence. The Commissioner is also authorized to charge any additional fees or credit any overpayments during the pendency of this application to Deposit Account No. 50-2499.

Respectfully submitted,

Dated: June 10, 2008

By: /Keith D. Nowak/

Keith D. Nowak
Attorney for Applicant
Reg. No. 27,367
Carter Ledyard & Milburn LLP
2 Wall Street
New York, NY 10005
Telephone No.: (212) 238-8610
Facsimile No.: (212) 732-3232



PTO/SB/122 (01-06)

Approved for use through 12/31/2008. OMB 0651-0039

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Application Number	10/572,411
Filing Date	March 16, 2006
First Named Inventor	Hoppenstein, Reuben
Art Unit	
Examiner Name	
Attorney Docket Number	HOP07.019

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☐ Applicant/Inventor☐ Assignee of record of the entire interest.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).☒ Attorney or agent of record. Registration Number 27,367☐ Registered practitioner named in the application transmittal letter in an application without an executed oath or declaration. See 37 CFR 1.33(a)(1). Registration Number _____

Signature

Typed or Printed
Name Keith D. Nowak

Date

9/19/06

Telephone (212) 238-8610

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ Total of _____ forms are submitted.

This collection of information is required by 37 CFR 1.33. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 3 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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IFU

Atty. Docket No. HOP07.019

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Reuben Hoppenstein

Application No.: 10/572,411

Filed: March 16, 2006

For: **IMPROVED VEHICLE CHASSIS**

CERTIFICATE OF MAILING UNDER 37 CFR 1.8

I hereby certify that this correspondence and the documents listed below are being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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on September 19, 2006

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- Change of Correspondence Address - Patent SB/122 (1 pg.)
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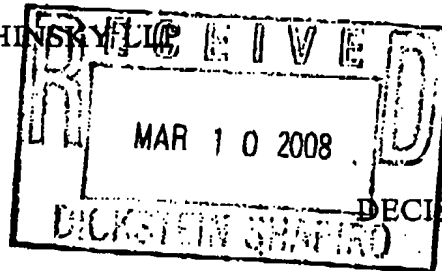


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Keith D. Nwak
DICKSTEIN SHAPIRO MORIN & OSHINSKY
1177 Avenue of the Americas
41st Floor
New York, New York 10036-2714



In re Application of
Hoppenstein et al
Application No.: 10/572,411
International App. No.: PCT/US2005/040349
Int. Filing Date: 08 November 2005
Priority Date: 16 March 2005
Attorney's Docket No.: H7885.00.18
For: IMPROVED VEHICLE CHASSIS

DECISION ON

REQUEST UNDER

37 CFR 1.497(d)

This is a decision on applicants' "RESPONSE TO NOTIFICATION OF DEFECTIVE RESPONSE AND PETITION UNDER 37 CFR 1.497(d) TO CORRECT INVENTORSHIP" filed on 04 October 2007, naming additional inventor, Reuben Hoppenstein, in the executed declaration. The \$130.00 processing fee has been charged to Deposit Account No. 50-2499.

BACKGROUND

On 08 November 2005, applicants filed international application No. PCT/US2005/04039 and claiming a priority date of 16 March 2005.

On 16 March 2006, applicants filed a Transmittal Letter for entry into the national stage in the United States of America. Filed with the Transmittal Letter was, inter alia, the requisite basic national fee. No executed oath or declaration was filed at such time.

On 16 January 2007, the United States Designated/Elected Office (DO/EO/US) mailed a "NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)" (Form PCT/DO/EO/905) which informed applicant, inter alia, that an "Oath or declaration of the inventors, in compliance with 37 CFR 1.47(a) and (b), identifying the application by International application number and international filing date in that the declaration not signed by inventor (Day, Robin). The notice also indicated that the items set forth above must be submitted within two (2) months from date of this Notice or by 32 months from the priority date, whichever is later, in order to avoid abandonment of the national stage application.

On 04 October 2007, applicants filed a an executed declaration which included an additional inventor, and a request for correction of inventorship under 1.497(d) to add Rueben Hoppenstein to the declaration.

DISCUSSION

A submission under 37 CFR 1.497(d) must include:

- (1) a statement from each person being added as an inventor and from each person being deleted as an inventor that the error in inventorship occurred without deceptive intention on his or her part;
- (2) the fee set forth in § 1.17(I); and
- (3) If an assignment has been executed by any of the original named inventors, the written consent of the assignee (see 37 CFR §3.73(b) of this chapter).

A review of the application file reveals that applicants have satisfied items (1) - (2) under 37 CFR 1.497(d) but not requirement (3).

With respect to item (1), the statement submitted 04 October 2007 by Rueben Hoppenstein is sufficient because the statement states that the error in inventorship occurred without a deceptive intent.

With respect to item (2), the processing fee of \$130.00 has been charged to the Deposit Account.

With respect to item (3), applicants did not submit the latest copy of the executed assignment to the assignee in the file, which was recorded on 04/06/2006 instead applicants submitted the assignment filed on 03/30/2006, which appears to improper. To establish the right of the Assignee to take action, applicants must submit a copy of the executed assignment or specify the reel and frame number. Note MPEP 324 and 37 CFR 3.73(b).

CONCLUSION

For the reasons above, the request under 37 CFR 1.497(d) is DISMISSED without prejudice.

If reconsideration on the merits of this petition is desired, a proper reply must be filed within TWO (2) MONTHS from the mail date of this decision. The proper reply is either a proper request under 37 CFR 1.497(d) overcoming the above stated defects. The failure to provide the proper reply will result in Abandonment of the application. Any reconsideration request should include a cover letter entitled "Renewed Request Under 37 CFR 1.497(d)". Extensions of time may be obtained under 37 CFR 1.136(a).

Application No.: 10/572,411

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Any further correspondence with respect to this matter should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



Rafael Bacares

PCT Legal Examiner

PCT Legal Office

Telephone: (571) 272-3276

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10/572,411 Vehicle Chassis

Selected New Class

Application Data

Translation History

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Publications

Continuity Data

References

Assignments

Publication Review

Patent Assignment Abstract of Title

Total Assignments: 1
Application #: 10572411
Filing Dt:
PCT #: NONE
Patent #: NONE
Publication #: NONE
Inventor: Robin Day
Title: Vehicle Chassis

Assignment: 1
Reel/Frame: 017724 / 0272
Received: 03/30/2006
Recorded: 03/16/2006
Mailed: 06/05/2006
Pages: 4
Conveyance: ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).
Exec Dt: 11/01/2005
Exec Dt: 11/01/2005

Assignors: HOPPENSTEIN, REUBEN
DAY, ROBIN D.

Assignee: COCKY COACH LLC
422 E 72ND STREET, SUITE 36A
NEW YORK, NEW YORK 10021

Correspondent: KEITH D. NOWAK
DICKSTEIN SHAPIRO MORIN & OSHINSKY LLP
1177 AVENUE OF THE AMERICAS
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NEW YORK, NY 10036-2714

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